



DEPARTMENT OF PERSONNEL

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MEMO PERD #44/04
December 30, 2004

TO: Designees for Rules Distribution
FROM: Jeanne Greene, Director
Department of Personnel
SUBJECT: Temporary Regulation Changes

Enclosed are the temporary regulations that were adopted by the Personnel Commission on December 17, 2004. These regulations became effective December 27, 2004 the date they were filed with the Secretary of State. The revisions appear in bold and italic type.

Please advise all administrators and personnel representatives of these changes, as appropriate. You may wish to reproduce these pages and distribute them to all personnel rule recipients. These revisions are also available on the Department of Personnel website at <http://dop.nv.gov>.

Because temporary regulations will automatically expire on November 1, 2005, these regulations will be filed for permanent adoption after July 1, 2005. When the regulations are adopted as permanent, they will be distributed in final form.

Additionally, a replacement page for the Nevada Administrative Code (NAC) is enclosed. Please replace the page distributed with the NAC republished June 2004 with this page. Be advised, this page is to correct typographical errors and does not contain revisions to the regulations.

If you have any questions please contact Tracy Walters at (775) 684-0130 or e-mail at twalters@dop.nv.gov.

JG:sq

Attachment

Agency Personnel Liaisons
Agency Personnel Representatives

NAC 284.678 Statement of grievance: Contents; time to file. (NRS 284.065, 284.155, 284.384)

1. Except as otherwise provided in *subsections 3, 4, and 5* an employee who feels aggrieved and wishes to file a formal grievance must submit his grievance in writing to his immediate supervisor on the official form, or in a letter if the official form is not available, within 20 working days after the date of the origin of the grievance or the date the employee learns of the problem. The parties should make every effort to resolve the grievance through informal discussions within these 20 working days.
2. If the employee submits a letter, it must include:
 - (a) His name;
 - (b) His most recent date of hire;
 - (c) His position;
 - (d) His department, division and section;
 - (e) His mailing address;
 - (f) His business telephone number;
 - (g) A statement that he is filing a formal grievance;
 - (h) The date, time and place of the event or the date the employee learns of the event leading to the grievance;
 - (i) A concise statement of his grievance;
 - (j) A detailed description of his grievance, including the names of other persons involved in the event, if any;
 - (k) A proposed solution of his grievance;
 - (l) His signature; and
 - (m) The date he signed the statement.
3. If a grievance relates to a decision of a reviewing officer about a performance evaluation, an employee must file a grievance that identifies the specific points of disagreement, if such specificity is provided, not later than 10 working days after the date the employee receives the decision of the reviewing officer. If the grievance relates to the failure of a reviewing officer to respond to a request for a review within the time required by NAC 284.470, an employee must file a grievance not later than 10 working days after the date on which the time for such a response expired. A grievance filed pursuant to this subsection must be filed with:
 - (a) The appointing authority; or
 - (b) If the appointing authority is the immediate supervisor of the employee or the reviewing officer, the person who is at the next level of the grievance process.
4. *If the parties are engaged in informal discussions in an attempt to resolve the matter, the time limit for filing the grievance may be extended by the mutual agreement of the employee and the appointing authority or his designated representative. Any extension must be reduced to writing and signed by the parties on a form developed by the Department.*
5. *Extensions may be granted at each step of the grievance procedure utilizing the procedures listed in subsection 4.*

Personnel Div., Rule XV § A part subsec. 1, eff. 8-11-73; A 6-9-74; 2-5-82]—(NAC A by Dep't of Personnel, 10-26-84; 10-18-89; 3-23-94; R197-99, 1-26-2000)

NAC 284.682 Appeal of grievance to higher level. (NRS 284.065, 284.155, 284.384)

1. If the correction of the matter under appeal is beyond the control of a level of supervision contemplated in this procedure or if the Department of Personnel determines that the submission of the grievance to the supervisor would be a useless act, the aggrieved employee may appeal directly to the next appropriate level.
2. An employee has 10 working days to refer his grievance to the next level after:

- (a) He receives notification of the action; or
 - (b) The passage of 10 working days after his grievance is deemed to have been received, whichever occurs first, at each step in the procedure.
- [Personnel Div., Rule XV § A part subsec. 1, eff. 8-11-73; A 6-9-74; 2-5-82]—(NAC A by Dep't of Personnel, 10-26-84; A by Personnel Comm'n by R065-98, 7-24-98)

NAC 284.696 Unlawful discrimination. (NRS 284.065, 284.155, 284.384)

1. An employee alleging unlawful discrimination based on any pertinent state or federal law or regulation may:
 - (a) Report the alleged discrimination to the *Department of Personnel Sexual Harassment/Discrimination Unit*, Attorney General, the employee's appointing authority, an equal employment opportunity officer, a personnel representative for his department, *or the appropriate University and Community College System of Nevada Affirmative Action Office* for investigation;
 - (b) Use the procedure for the adjustment of a grievance contained in NAC 284.658 to 284.6957, inclusive; or
 - (c) File a complaint with the Nevada Equal Rights Commission pursuant to NRS 613.405.
2. The appointing authority of an employee who has alleged unlawful discrimination shall promptly notify the deputy attorney general or staff counsel assigned to represent the agency of the allegation and the actions which are being undertaken by the agency to address the allegation.
(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 9-16-92; 11-16-95)

- (b) Be open to all applicants who meet the reasonable standards or requirements fixed by the Director with regard to experience, character, age, education, physical condition and any other factors relating to the ability of the applicants to perform the duties of the position with reasonable efficiency...
- 4. An oral examination given pursuant to this section must be:
 - (a) Except as otherwise provided in subsection 5, conducted by a panel of which no more than one-third of the members are employed by the department in which a vacancy exists for the position for which the examination is given.
 - (b) Recorded and maintained by the department for:
 - (1) Not less than 2 years after the date of the examination; or
 - (2) Until the final disposition of a charge of discrimination,whichever is longer, and must be available to an affected person upon request.
- 5. Employees of the department in which a vacancy exists may comprise more than one-third of the members of the panel if:
 - (a) A member who is not such an employee is unable to serve on the panel because of illness or an emergency;
 - (b) The department has more than 1,000 employees; and
 - (c) The department has two or more divisions that administer separate and diverse programs and the employees of the department on the panel are not employed by the same division."

NRS 284.215 states, "Examination of persons with disabilities. A person with a disability must be examined in a manner that fairly tests his ability to perform the duties of the position, notwithstanding his disability."

NRS 284.230 states, "Time and place of holding examination; use of public buildings.

- 1. Examinations must be held at such times and places as in the judgment of the Director most nearly meet the convenience of applicants, practicability of administration, and the needs of the public service.
- 2. The officers having control of public buildings in political subdivisions of the state and in school districts, upon request of the Director, shall furnish convenient and reasonable space for examinations and necessary furniture, heat and light for the accommodation of the local examiners and for holding of examinations authorized by this chapter."

NRS 284.235 states, "Designation of persons to assist in examinations. The Director may designate appropriate persons, including officers and employees in the public service, to assist in the preparation and rating of examinations. An appointing authority may excuse any employee in his division from his regular duties for the time required for his work as an examiner. Those officers and employees are not entitled to extra pay for their services as examiners, but are entitled to their regular salaries."

NAC 284.329 Competitive examinations: Use and administration. (NRS 284.065, 284.155, 284.205, 284.384)

1. Except as otherwise provided in this chapter and in chapter 284 of NRS, an appointment to or within the classified service must be made through the use of competitive examinations.
2. Examinations may be:
 - (a) Structured or unstructured;
 - (b) Scored or unscored;
 - (c) Written or oral;
 - (d) In the form of a demonstration of skill or technical knowledge;
 - (e) An evaluation of training and experience; or
 - (f) Any combination of paragraphs (a) to (e), inclusive.
3. Examinations which measure an applicant's capacity, manual skill, and physical fitness, may be used if such capacity, skill or fitness is related to the job.
4. Examination materials, including questions and scratch paper, are the property of the Department of Personnel.
5. The administration of an examination may be modified for the purpose of more fairly testing the abilities of a qualified person with a disability if the modification does not alter the reliability and validity of the examination.
6. If a grievance is filed concerning an examination in accordance with NAC 284.658 to 284.6957, inclusive, the Director will not fill any vacancy from the list established by the examination unless the Director determines that there is an urgent and compelling need to fill that vacancy.

[Personnel Div., Rule IV part § A, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; 11-12-93; A by Personnel Comm'n by R183-03, 1-27-2004) — (Substituted in revision for NAC 284.298)

NAC 284.333 Centers for assessment: Selection and training of assessors; administration of examinations. (NRS 284.065, 284.155, 284.205, 284.210)

1. Assessors of a center for assessment must be selected:
 - (a) From at least two different departments; or
 - (b) From a combination of departments or other public or private employers.
2. Each assessor must be trained in the method of examination used by the center for assessment before he examines an applicant.
3. Oral, written and performance exercises administered by a center for assessment must:
 - (g) Be administered under standardized conditions;
 - (h) Be related to performance of the job;
 - (i) Be evaluated by more than one assessor; and
 - (j) Measure the skills, knowledge, and other attributes of a person which are important to his successful performance of the job.

(Added to NAC by Dep't of Personnel, eff. 11-12-93; A by Personnel Comm'n by R183-03, 1-27-2004)
— (Substituted in revision for NAC 284.300)